



TOWN OF LOOMIS
ACTION MINUTES
REGULAR MEETING OF
LOOMIS TOWN COUNCIL
LOOMIS DEPOT

5775 HORSESHOE BAR ROAD, LOOMIS, CA 95650

TUESDAY	SEPTEMBER 8, 2009	7:00 P.M.
<p>CLOSED SESSION – Pursuant to cited authority, the Town Council will hold a closed session to discuss the following listed items. A report of any action taken will be presented prior to adjournment of the regular meeting.</p> <p>a. CONFERENCE WITH REAL PROPERTY NEGOTIATOR: Pursuant to Section 54956.9 of the Government Code: Property: APN 043-014-019 (Town owned corporation yard property to be sold to Loomis Union School District) Agency Negotiator: Perry Beck, Town Manager Under Negotiation: Price and term</p> <p>Property: APN 044-008-056 (Town owned property leased to High Hand Nursery) Agency Negotiator: Perry Beck, Town Manager Under Negotiation: price and term</p> <p>b. CONFERENCE WITH LABOR NEGOTIATOR: Pursuant to Section 54957.6 of the Government Code. Agency Negotiator: Perry Beck, Town Manager Employee Organizations: Maintenance Workers (Operating Engineers Local 39) and Loomis Diversified Employees Group</p> <p>c. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Initiation of litigation pursuant to subdivision Section 54956.9:</p> <ul style="list-style-type: none">- Rocklin Lowes: Case #S CV 23598 Town of Loomis v City of Rocklin et al & Del Paso El Camino, LLC et al- Rocklin Crossing: Case #S CV 24099 Town of Loomis v City of Rocklin et al & Rocklin Crossings LLC et al- Rocklin Clover Valley: Case #34-2007-00002871-CU-WM-GDS Town of Loomis v City of Rocklin et al and Rocklin 650 Venture et al		
TUESDAY	SEPTEMBER 8, 2009	7:30 P.M.

CALL TO ORDER

Call to order by Mayor Scherer at 7:45 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:

Mayor Scherer
Councilmember Kelley
Councilmember Liss
Councilmember Morillas
Councilmember Ucovich

Absent: None

STATEMENT OF ACTION TAKEN DURING CLOSED SESSION

- a. No action taken.
- b. No action taken.
- c. No action taken.

RECOGNITIONS/PROCLAMATIONS Darrel Bristol

MATTERS OF INTEREST TO COUNCILMEMBERS/FUTURE AGENDA ITEMS

Councilmember Ucovich asked about the traffic study on reducing the speed limit on Arcadia Avenue.

Perry Beck, Town Manager, pointed out that the speed survey is still being worked on.

Councilmember Liss announced the following:

- September 14th they will be having a meeting on the horse rescue idea for the Loomis Market Place at 6 p.m.
- September 23rd a neighborhood watch meeting will be at the Methodist church on Brace Road at 7 p.m. (there have been numerous thefts along Brace and Barton Road)

Councilmember Kelley stated the following:

- Council received a letter from Placer County Water Agency (PCWA) regarding Delta Water Legislation package
- suggested sending a letter to PCWA in support of this

Mayor Scherer pointed out that the deadline to receive comments on the package is this Friday.

A motion was made to add this item to the agenda as an urgency item (item 10a.) that came up after the close of the agenda and needs to be dealt with before the next regularly scheduled meeting. On motion by Mayor Scherer, seconded by Councilmember Ucovich and passed by voice vote.

Mayor Scherer stated the following:

- SACOG's position is that this should be carefully looked at and not dealt with by Friday
- this should be referred to the Legislature to take a careful look and work out the issues

All items on the agenda will be open for public comment before final action is taken. Speakers are requested to restrict comments to the item as it appears on the agenda and stay within a five-minute time limit. The Mayor has the discretion of limiting the total discussion time for an item.

Written Material Introduced Into the Record: Citizens wishing to introduce written material into the record at the public hearing on any item are requested to provide a copy of the written material to the Town Clerk prior to the public hearing date so that the material may be distributed to the Town Council prior to the public hearing.

PUBLIC COMMENT: This time is reserved for those in the audience who wish to address the Town Council on subjects that are not on the Agenda. The audience should be aware that the Council may not discuss details or vote on non-agenda items. Your concerns may be referred to staff or placed on the next available agenda. Please note that comments from the public will also be taken on any item on the agenda. The time allotted to each speaker is five minutes.

No public comment.

ADOPTION OF AGENDA

A motion was made to adopt the amended Agenda adding item 10a. On motion by Councilmember Morillas, seconded by Councilmember Ucovich and passed by voice vote.

OPPORTUNITY TO COMMENT ON CONSENT CALENDAR: All items listed under the Consent Agenda are considered by the Council to be routine in nature and will be enacted by one motion unless an audience member or Councilmember requests otherwise, in which case, the item will be removed for separate consideration.

A motion was made to adopt the Consent Agenda pulling item 8 forward for discussion. On motion by Councilmember Morillas, seconded by Councilmember Ucovich and passed by voice vote.

CONSENT AGENDA

RECOMMENDED ACTION

- | | | |
|----|---|--------------------------------------|
| 1. | Council Minutes – August 11, 2009 With Mayor Scherer abstaining
August 24, 2009 | APPROVE |
| 2. | Monthly Check Register – August | RECEIVE AND FILE |
| 3. | Statement of Activity | RECEIVE AND FILE |
| 4. | Treasurer's Report | RECEIVE AND FILE |
| 5. | Planning Status Report | RECEIVE AND FILE |
| 6. | 2009/10 Goals Update | RECEIVE AND FILE |
| 7. | A Resolution Of The Town Council Of The Town Of Loomis
Authorizing Submittal Of A Claim For The 2005-2010 Transportation
Development Act (TDA) Bicycle And Pedestrian Funds And
Authorizing The Town Manager To Execute | ADOPT RESOLUTION
Resolution 09-29 |
| 9. | A Resolution Of The Town Council Of The Town Of Loomis
Accepting the Proposal From RRM Design Group to Provide an
Updated Park, Recreation and Open Space Master Plan and
Directing the Town Manager to Enter Into an Agreement Acceptable
To The Town Attorney at a Cost of \$55,328 | ADOPT RESOLUTION
Resolution 09-30 |

CONSENT ITEMS FORWARDED

- | | | |
|----|---|------------------|
| 8. | Pacific, Gas and Electric Rule 20 Funds | RECEIVE AND FILE |
|----|---|------------------|

Councilmember Ucovich asked if there was any possibility or new Legislation allowing use of underground money being used for moving PG&E lines?

Perry Beck, Town Manager, stated that he would look into that.

Councilmember Kelley suggested using a portion of the underground money to put into underground power lines from Horseshoe Bar Road to King Road so the property at Webb and Taylor can become more usable to the Town.

Mayor Scherer pointed out that we will make sure that this will be part of the discussions on seeking input for recommendations with MIG for the downtown.

No public comment.

A motion was made to receive and file. On motion by Councilmember Ucovich, seconded by Councilmember Morillas and passed by voice vote.

PUBLIC HEARING

10. **Zoning Amendment to Allow Winery Development**
Proposed Zoning Ordinance Amendment to allow wineries in the Downtown Central Core (CC) and the General Commercial (CG) zones
Recommended action: Open public hearing, take testimony give direction on proposed revisions, adopt Negative Declaration and hold first reading of draft zoning ordinance revisions.
Public comment:

Jean Wilson, 4301 Barton Road and Planning Commissioner, stated the following:

- in D1, - 20,000 cases was to be standard for a small winery and was taken from the County small winery ordinance
- more than 20,000 cases would need to be looked at closer

Councilmember Liss suggested having a preamble for D.1. and D.4. stating the intent of the 20,000 cases.

Dave Larsen, Town Attorney, suggested putting footnotes for these two items.

Mayor Scherer suggested deleting 20,000 cases and stating that the number of cases will be established by the Planning Director and the Planning Commission during the permit process.

Councilmember Ucovich pointed out the following:

- on page 3, D1. -- the size of the bottles in a case is not designated, it could be gallons
- this ordinance will allow wineries anywhere in those zones
- he is not sure if this is the proper use for the downtown area

Councilmember Liss stated he is in favor of having this use in commercial and industrial zones but would like to have staff look into what type of restrictions are possible in residential zones for this use.

A motion was made to adopt Ordinance 244, "amending winery development in the Central Commercial (CC) and General Commercial (CG) Zoning Districts" and adding footnotes for items D.1. and D.4, noting the intent. On motion by Councilmember Liss, seconded by Councilmember Morillas and passed by the following roll call vote:

Ayes: Kelley, Liss, Morillas, Scherer

Noes: Ucovich

At this point Council discussed item 13.

10a. Delta Water Legislation Issues

No public comment.

Council directed staff to prepare a letter to the Legislature asking them to extend the time frame so that all stakeholders may properly review and comment on the Delta water issues.

BUSINESS

11. State Department of Consumer Affairs

A presentation by Michael Lafferty with the State Department of Consumer Affairs informing municipalities about the various services that the State offers the local community

Recommended action: Hear presentation, take questions and give direction

Public comment:

Discussion on this item was done after item 13.

Michael Lafferty, California Consumer Affairs, expounded on various services they offer and answered questions.

No public comment.

There was no direction given.

Recess at 9:05 p.m. to 9:18 p.m.

12. 06-10 Homewood Lumber Conditional Use Permit, Design Review, Tree Permit, Mitigated Negative Declaration, and Condition of Approval

As a condition of approval for the Homewood Lumber relocation Conditional Use Permit (CUP), the applicant was required to secure a permit from the Army Corps of Engineers in order to obtain authorization to do work in the wetlands in accordance with the project description on file. Specifically, condition #105, which outlines the agreement by the owners to improve, dedicate and maintain the approximately 3.6 acres of wetland/riparian habitat to the north of the building site. All work is to be in accordance with the conceptual habitat development and planting plan(s) developed and submitted on behalf of Homewood Lumber by Restoration Resources, who will be charged with creating, maintaining and managing the ongoing stewardship of the 3.6 acres

Recommended action: Review the Wetland Mitigation and Monitoring Plan submitted by Restoration Resources along with the U.S. Army Corps of Engineers permit number: SPK-2006-00704 and accept the proposal as satisfaction of Condition #105 in Exhibit B, Final Conditions of Approval, approved by the Council on August 14, 2007

Public comment:

Ryan Wunsch, Assistant Planner, stated the following:

- staff has not received a signed approval letter from the Army Core of Engineers
- Hamid Noorani is in the hospital at this time and the applicants expected to have this letter prior to the meeting tonight
- he recommended discussing the issue and taking public comment should they be able to approve the plan with a 60 day time period for receipt of the letter, a draft letter has been included with the staff report

Vic Markey, 3254 Taylor Road, stated the following:

- the Open Space Committee did a green sheet on this project several years ago
- asked to have the Park, Recreation and Open Space Committee review it, update it, and do an addendum on it

Mayor Scherer stated the following:

- the Plan submitted by Restoration Resources needs some corrections and written more clearer
- before Restoration Resources is given a second project we should review what has been done to Sierra De Montserrat

Jean Wilson suggested looking at other projects that have been done in the area by Restoration Resources to get a better comparison on how they have done.

Adam Noorani, 5993 Mareta Lane, stated the following:

- asked if this is reasonable to question Restoration Resources on their ability to perform at this time
- the Army Core is a stringent agency and asked if there is anything that can be done to keep this on schedule

Following further discussion on the matter, a motion was made to direct staff to correct the typos in the report, review of any performance requirements, and continue this item to an Adjourned Regular meeting on September 25, 2009 at the Depot. On motion by Councilmember Ucovich, seconded by Councilmember Liss and passed by the following roll call vote:

Ayes: Liss, Scherer, Ucovich

Noes: Kelley, Morillas

13. Chamber Business Committee Update

The Chamber of Commerce has been working on various projects and may have a project update or other information that the Chamber wishes to discuss with the Council

Recommended action: Hear update and approve chicken race festivity if desired

Public comment:

Discussion on this item was done after item 10.

Charlotte Lingston (Reynolds), owner of Wild Chicken Coffee, stated the following:

- she is proposing a new event, to happen yearly, that will draw more people into Town
- she would like to have a chicken race and roast on October 3rd with the Eggplant Festival
- she would like to build a temporary track behind Wild Chicken and to the west side of the Depot
- she will have chicken bingo, there will be categories for kids, celebrities, and sheriff's
- she is requesting \$3600 and all the proceeds will be returned to the Town of Loomis as reimbursement or if the Town chooses to donate to the downtown business advertising campaign "lloveloomis.com" to support future events and advertising

Marilyn Jasper, 3929 Don Drive, stated the following:

- she would like more information on a chicken race
- there needs to be more input
- Animal Control and animal welfare people need to be involved in this to see how they are going to make them run, etc.

Roger Carroll, 6799 High Cliff Road, stated the following:

- questioned how the revenue will be generated
- he is concerned with gambling and asked if there will be any cash prizes

Steve Patterson, Granite Bay, stated the following:

- he worked on a chicken ranch growing up
- you have to be careful with chickens because they have a low stress tolerance and can die easily
- he would not want this to backfire if any of them die

Ms. Lingston noted that the chickens that will be used are pets and a veterinarian will be onsite.

Adam Noorani, 5993 Mareta Lane, pointed out that chickens are fun and he would be happy to have his chickens in the race.

Perry Beck, Town Manager, pointed out that the balance in the donation fund is about \$1400, the rest would have to come out of reserves.

Councilmember Kelley would like to see this event stand on it's own and not with the Eggplant Festival.

Mayor Scherer pointed out the following:

- this would start out as a race at the Eggplant Festival but eventually go to a chicken festival
- one of the goals for the Town was to establish more festivals

Councilmember Liss stated the following:

- we are trying to be an animal friendly community and we need to stress that and make sure no pets will be hurt
- we have been looking to develop new festivals to help the business community

Following further discussion on the matter, a motion was made to fund start up money of \$1400 for the chicken race event. On motion by Councilmember Ucovich, seconded by Mayor Scherer and passed by the following roll call vote:

Ayes: Liss, Scherer, Ucovich

Noes: Kelley, Morillas

14. **2006-2013 Housing Element Update**

State law requires that communities accommodate their "fair share" of housing for all economic groups within the community. The Housing Element is the state-mandated General Plan element that addresses how the Town will strive to achieve its share of regional housing need within the assigned planning period. By Government Code 65588, the Town is required to update its Housing Element at specific times (was every five years, now changing to every eight years) by recent legislation (SB375) to conform to the Metropolitan Transportation Planning process).

Recommended action: Receive public testimony, approve Resolution forwarding the draft 2006-2013 Housing Element Update, with Planning Commission recommendations, to the California Department of Housing and Community Development (HCD) for their 60 day review and comment

Public comment:

This item was discussed after item 12.

No public comment.

Councilmember Liss stated the following:

- questioned using the words "by right" for assisted care on church sites
- suggested having a discussion on temporary uses
- affordable housing needs to be addressed

Councilmember Ucovich questioned the housing numbers.

Mayor Scherer pointed out that this needs to be thoroughly reviewed in order to send out as a complete document.

Council agreed to continue this item to the October Council meeting.

15. **Prop 40 Park Grant Project**

Money that the Town has on a population basis must be spent by June 2011 and a project needs to be identified to proceed with the grant process

Recommended action: Authorize staff to file a project application for a downtown park as further described in this report and to encumber Park and Park Facility Funds in the amount of \$200,000 to put toward the building effort

Public comment:

Continued to October 13, 2009

16. **League of California Cities Conference Resolutions**

Several resolutions have been submitted for consideration at the League of California Cities conference in September 16 -18 and Council may want to give the voting delegates direction as to voting on these resolutions

Recommended action: Decide and give direction.

Public comment:

No public comment.

Following further discussion on the matter, a motion was made to appoint Councilmember Ucovich as the alternate. On motion by Councilmember Morillas, seconded by Councilmember Liss and passed by voice vote.

Regarding the following resolutions:

- 1 – "Social Host Liability" - the consensus was approval with Councilmember Kelley not in favor
- 2 – "urging cities to divest from banks that fail to cooperate with foreclosure prevention efforts: - the consensus was approval with Councilmember Kelley not in favor

17. **Park, Recreation and Open Space Committee (PROSC) Vacancy**

A vacancy on the PROSC has occurred and Council is asked to fill the position

Recommended action: Review applications and decide who to appoint to fill the vacant committee seat

Public comment:

No public comment.

Following further discussion on the matter, a motion was made to appoint Mitch Fairbanks on the Park, Recreation and Open Space Committee. On motion by Councilmember Morillas, seconded by Councilmember Liss and passed by voice vote.

18. **25th Anniversary Committee and Celebration Plan**

The Town is celebrating its 25th year as a municipality this year in December and some form of celebration may be desired by Council

Recommended action: Determine how Council wishes to proceed and that may include forming a Council committee to plan a celebration, if committee is appointed, give direction

Public comment:

No public comment.

Mayor Scherer would like to have a blue grass Christmas on the first Friday in December.

Mayor Scherer and Councilmember Ucovich will be on a committee for the 25th Anniversary celebration.

19. **Municipal Advisory Council Meeting Update**

The Town Border Committee (Mayor Scherer and Vice Mayor Liss) recently met with Officials of the Horseshoe Bar and Penryn Municipal Advisory Councils and there may be some information updates to discuss with the Council

Recommended action: Hear updates and give direction

Public comment:

Continued to October 13, 2009.

20. **Agenda Preparation Policy** (Continued from 8/11/09)

TC 6/23/09

Vice Mayor Liss asks that Council consider a policies on agendas preparation and meeting protocols

Recommended action: Decide whether to make policy changes to agenda setting/preparation, and meeting protocols associated with handout distribution, meeting times and timer use.

Public comment:

Continued to October 13, 2009.

21. **Select Rocklin Development Projects Update**

The City of Rocklin has a number of development projects moving along in the area along Sierra College Boulevard and on Del Mar Street that could impact Loomis residents, roads, and the general quality of the Loomis community

Recommended action: Review development information and direct the Council Borders Sub-committee (Mayor Scherer and Vice Mayor Liss) as to any actions the Council would like the Committee and/or Special Legal Counsel and staff to take

Public comment:

Continued to October 13, 2009.

22. **Medical marijuana Dispensaries**

Schedule a meeting to review information, obtain input and make a determination on a course of action concerning medical marijuana dispensary businesses locating in Loomis

Recommended action: Schedule a special meeting

Public comment:

No public comment.

Following further discussion on the matter, Council agreed to have a meeting on November 3, 2009 on medical marijuana dispensaries.

23. **Placer County Deer Hunt**

Mayor Scherer asks that Council ask the County Board of Supervisors to conduct a hearing As provided in State law to reconsider the recommendation of the Placer Fish & Game Commission to accept a State Fish & Game report to conduct a deer hunt to thin the deer population in the vicinity of Auburn Folsom Road

Recommended action: Discuss and decide how Council wishes to proceed

Public comment:

Marilyn Jasper, 3929 Don Drive, stated the following:

- the stated purpose is to provide an opportunity to hunt and collect data
- questioned how they will analyze it
- they can shoot 160 yards from any building unless the owner does not give permission
- there are safety issues that need to be addressed
- she commends the Town for taking a position on this

Pat Miller, 4395 Gold Trail Way, stated the following:

- a few years ago she was hit by a bullet
- she is against anyone shooting deer in her neighborhood
- she supports having a hearing

Following further discussion on the matter, a motion was made to request the Board of Supervisors to conduct a public hearing. On motion by Councilmember Liss, seconded by Councilmember Ucovich and passed by the following roll call vote:

Ayes: Liss, Morillas, Scherer, Ucovich

Noes: Kelley

COMMITTEE REPORTS

- 24. Placer County Economic Development Commission – Ucovich
- 25. Placer County Flood Control/Water Conservation District – Morillas
- 26. Placer County Transportation Planning Agency – Ucovich/Kelley
- 27. Placer County Mosquito Abatement – Kelley/Ucovich
- 28. Placer County Air Pollution Control District – Ucovich/Morillas
- 29. Sacramento Area Council of Governments – Scherer/Liss
- 30. Placer Land Trust ex-officio representative – Scherer
- 31. Borders Committee – Scherer/Liss
- 32. Business Committee – Scherer/Liss

ADJOURNMENT

A motion was made to adjourn at 10:50 p.m. to an Adjourned Regular meeting on September 25, 2009 at 9:00 p.m. at the Depot. On motion by Councilmember Ucovich, seconded by Councilmember Liss and passed by voice vote.



Walt Scherer, Mayor



Crickett Strock, Town Clerk